IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 851 of 2006(B)

PETITIONER:

M.G.SUKUMARAN, S/O.GOPALAN,
AGED 52 YEARS, MALAYIL HOUSE, OLARIKKARA,
PULLAZHI P.O., THRISSUR.

BY ADV. SMT.DAISY THAMPI.

RESPONDENTS:
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1. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, THRISSUR.**
2. **THRISSUR DISTRICT CO-OPERATIVE HOSPITAL LTD., NO.R.306, SHORNUR ROAD, THRISSUR-1, REPRESENTED BY THE ADMINISTRATOR.**

<u>*ADDITIONAL RESPONDENTS 3 TO 13 IMPLEADED</u>

***3. SRI. T.K. PORINCHU, THEKKEKKARA HOUSE, P.O. AMMADAM, THRISSUR DISTRICT.**

***4. SRI. K.G. PISHARODY, AYODHYA, WADAKKANCHERY, THRISSUR DISTRICT.**

***5. SRI. P.B. MOIDU, PUTHUKULATH HOUSE, P.O. ERIYAD, KODUNGALLUR, TRICHUR DISTRICT.**

***6. ADV. JOMY JOSEPH C., CHITTILAPPILLY HOUSE, AMBAKKAD, P.O. PUZHAKKAI, THRISSUR DISTRICT.**

***7. SRI. K. VARGHESE JOHN, KOLADY HOUSE, ALUR-MATTOM.P.O., THRISSUR - 680 603.**

prv.

W.P.(C). NO.851/2006:

***8. MRS. BEENA BENNY, W/O. JOSEPH BENNY,
KAKKASSERY HOUSE, ERAVU.P.O.,
THRISSUR DISTRICT.**

***9. SRI. A.P. JOSEPH, ARAKKAL MARKOY HOUSE,
P.O. KANDASSANKADAVU,
THRISSUR DISTRICT.**

***10. SRI. T.S. ANILKUMAR, THOTTIPPILLY HOUSE,
P.O. PULLOOT, KODUNGALLUR.**

***11. SRI. S.J. VAZHAPPILLY, P.O. ALOOR,
KALLETTUMKARA, THRISSUR - 680 633.**

***12. PROF. K. BALAKRISHNAN, T.C. NO. 1/1282 RAGHASUDHA,
KANATTUKARA.P.O., THRISSUR - 680 63.**

***13. ADV. JOSEKUTTAN, MACHINGAL LANE,
THRISSUR -1.**

***ADDITIONAL RESPONDENTS 3 TO 13 IMPLEADED AS PER ORDER DATED 11/06/2007 IN I.A. 7689/2007.**

**BY GOVERNMENT PLEADER SMT. A.G. ANEETHA,
SMT.P.A.ANITHA,
SRI.GEORGE POONTHOTTAM,
SRI.D.SOMASUNDARAM,
SRI.V.G.ARUN,
SRI.T.R.HARIKUMAR.**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007,ALONG WITH W.P.(C). NO.1074/2006 & COC NO.83/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.851/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PETITION SUBMITTED BEFORE THE R.1. DTD. 02/06/2005.

EXT.P.2: COPY OF THE NOTICE-DTD. 23/05/05 IN RESPECT OF THE MEETING OF THE BOARD OF DIRECTORS.

EXT.P.3: COPY OF THE ADDITIONAL NOTICE DTD. 23/05/05 IN RESPECT OF THE MEETING OF THE BOARD OF DIRECTORS.

EXT.P.4: COPY OF THE COMPLAINT DTD. 17/06/05 SUBMITTED BY THE P.3. BEFORE THE R.1.

EXT.P.5: COPY OF THE JUDGMENT IN W.P.(C). NO. 20259/2005 DTD. 07/07/05.

EXT.P.6: COPY OF THE PETITION DTD. 23/08/2005.

EXT.P.7: COPY OF THE JUDGMENT IN R.P. NO. 674/2005 DTD. 02/09/2005.

EXT.P.8: COPY OF THE NOTICE DTD. 16/11/2005.

EXT.P.9: COPY OF THE NOTICE DTD. 30/12/2005.

EXT.P.10: COPY OF THE ORDER DTD. 17/01/2006 ISSUED BY THE R.1.

EXT.P.11: COPY OF THE JUDGMENT IN W.P.(C). NO. 281/2006 DTD. 05/01/2006.

EXT.P.12: COPY OF THE PETITION DTD. 16/01/2006.

EXT.P.13: COPY OF THE PROOF OF DELIVERY DTD. 17/01/2006.

EXT.P.14: COPY OF THE ORDER DTD. 08/02/2006 ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (AUDIT), THRISSUR.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE SURPRISE REPORT NO. SC-42/05/TSR DTD. 27/07/2005.

EXT.R6: COPY OF THE PETITION SUBMITTED BEFORE THE R.1. DTD. 24/04/2007.

EXT.R6.A: COPY OF THE PETITION SUBMITTED BEFORE THE R.1. DTD. 15/06/2007.

prv.

W.P.(C). NO.851/2006:

EXT.R6.B: COPY OF THE LETTER NO. TDCH (339) 2006-07 DTD. 05/02/2007 OF THE SECRETARY, TRICHUR DIST. CO-OP. HOSPITAL LTD., THRISSUR.

EXT.R6.C: COPY OF THE ORDER NO. CRB/7053/2000 DD. 06/02/2007 OF THE R.1.

EXT.R6.D: COPY OF THE ORDER NO. CRB/561/06 K. DIS. DTD. 09/04/2007.

//TRUE COPY//

P.A. TO JUDGE

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

WPC.NOs.851 & 1074 OF 2006
& COC.No.83 OF 2006

Dated this the 12th day of September, 2007

JUDGMENT

These matters relate to a society, viz., Thrissur Co-operative District Hospital Society Ltd No.R.306. During the consideration of these matter, having regard to the directions issued in W.P(C).20259/05 and the various controversies that had gained attention, an order was issued on 6.6.2007 bringing on record the members of the Board of Directors of that society as additional respondents in W.P(C).851/06 and in W.P(C). 1074/06. That order dated 6.6.2007 will stand appended to this judgment.

2. Following the aforesaid, the impleaded members of the Board of Directors in office have also been heard.

3. To put a rough sketch of the situation in hand, it has to be noticed that certain directions were issued by this Court in

relation to an enquiry. This was followed by a report being rendered by one Sri.B.Bhuvanachandran. Controversies arose as to whether the directions of this Court were complied with by that officer in making the report. Thereafter, following directions issued by this Court on the allegations as to manipulation of records, another report has come on record, . It is also pointed out that there was another proceeding, in which, there is a report by the vigilance wing of the police department.

4. The bone of contention between the parties center round the alleged manipulation of records and also the manner in which the funds of the society have been dealt with. There is also a case for some of the parties that the funds about which complaints are made of are not really funds of the society, but donations in the form of equipments by the District Co-operative Bank.

5. Having regard to the aforesaid circumstance and due regard being had to the parameters of authority of the Registrar of Co-operative Societies and of being appraised by the learned

Special Government Pleader for Co-operation as to the availability of the reports on record, these matters are disposed of directing that the Registrar of Co-operative Societies (General) will take up all the matters in relation to these cases, affecting the aforesaid society and render appropriate decision and action, as may be necessary, in accordance with law. The final decision as above shall be arrived at within an outer limit of two months from the date of receipt of a copy of this judgment. Needless to say the necessary parties will be extended opportunity of being heard.

In the nature of the aforesaid disposal, the reports provided in sealed cover and the departmental file have not been perused by this Court and are hereby returned to the learned Special Government Pleader for Co-operation.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

WPC.NOs.851 & 1074 OF 2006
& COC.No.83 OF 2006

JUDGMENT

12th SEPTEMBER, 2007.

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